

1 Hon. Ronald B. Leighton
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 ANDERSON & MIDDLETON COMPANY, a
10 Washington corporation,

11 Plaintiff,

No. C09-05033-RBL

12 v.

13 HON. KEN SALAZAR, in his official capacity
14 as Secretary, United States Department of the
15 Interior; HON. CARL ALTMAN, in his official
16 capacity as Assistant Secretary, Indian Affairs,
17 United States Department of the Interior;
STANLEY M. SPEAKS, in his official capacity
as Regional Director, Bureau of Indian Affairs,
United States Department of the Interior; and
John Does 1 through 20;

18 Defendants.

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20 QUINAULT INDIAN NATION,

21 Plaintiff,

22 v.

23 HON. KEN SALAZAR, in his official capacity
24 as Secretary, United States Department of the
25 Interior; HON. CARL ARTMAN, in his official
26 capacity as Assistant Secretary, Indian Affairs,
United States Department of the Interior;
STANLEY M. SPEAKS, in his official capacity
as Regional Director, Bureau of Indian Affairs,

27 Defendants.

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Consolidated Case No. C09-05033-RBL
Original Case No. C09-5064-RBL

**STIPULATION AND ORDER RE:
SALE OF SIX PARCELS**

JOINT STIPULATION

This action arises from a sealed bidding process conducted by the Bureau of Indian Affairs (“BIA”) for the purchase of twenty-six parcels of Indian-owned trust land. The BIA concluded that the Quinault Indian Nation (“QIN”) was the high bidder for six of the parcels, that the Anderson & Middleton Company (“A&M”) was the high bidder for the other twenty parcels, and that pursuant to 25 U.S.C. § 2216(f), QIN would have an opportunity to match the high bid submitted by A&M for those twenty parcels. Because QIN indicated its intent to match A&M’s bid, the BIA initially awarded the sale of all twenty-six parcels to QIN. Both QIN and A&M filed administrative appeals over the BIA’s determination, and the Interior Board of Indian Appeals affirmed the underlying agency action.

A&M subsequently filed suit in the United States District Court for the Western District of Washington challenging the Board’s decision over its administrative appeal (the “A&M Action”). A&M’s Complaint sought to enjoin the BIA from providing QIN an opportunity to match A&M’s bid over the twenty parcels of Indian-owned timber trust land.

On February 27, 2009, the BIA informed A&M that because QIN had failed to timely submit payment for the twenty-parcels of Indian-owned trust land, and barring judicial intervention, A&M may now purchase the allotments by submitting its balance of \$3,951,923.40 to the BIA within thirty days of receipt of the notice. Accordingly, on March 3, 2009, and at the request of the parties, the A&M Action was held in abeyance until the earliest of the following three events has occurred: “(1) A&M’s purchase of the allotments is finalized; (2) the time period for A&M to submit payment to the BIA has expired, with no payment made; or (3) the case of *Quinault Indian Nation v. Salazar, et al.*, Case No. C09-5064-RBL, a related action, has been resolved.” Dkt. No. 12.

In *Quinault Indian Nation v. Salazar*, et al., Former Case No. C09-5064-RBL (the “Quinault Action”), QIN raised its own challenge to the BIA’s actions with respect to the sale.

It is undisputed that A&M did not submit a bid for the six parcels on which QIN was declared the high bidder. On or about March 16, 2009, QIN submitted the additional

1 \$976,850.10 owed for the purchase of the six parcels. The portion of QIN's 10% deposit
2 attributable to the six parcels was not forfeited, but was applied to the purchase price. The BIA
3 is in the process of completing the sale of the six parcels to the QIN.

4 On March 18, 2009, in the Quinault Action, the Court granted QIN's motions for a
5 temporary restraining order "staying the forfeiture of Quinault's deposit and staying any sale of
6 the 20 contested parcels to A&M." *See* Case No. C09-5064-RBL, at Dkt. No. 16. The Court's
7 Order also granted the Government's motion to consolidate and consolidated the A&M and
8 Quinault Actions into the earlier filed case number.

9 In order to allow the BIA to complete the sale of the six parcels to QIN, the Government
10 and QIN hereby STIPULATE, AGREE, and JOINTLY REQUEST that the Court issue an order
11 confirming that nothing in its Order of March 18, 2009, in *Quinault Indian Nation v. Salazar, et*
12 *al.*, should be construed to prevent the BIA from completing the sale of the six parcels to QIN.

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14 DATED this 20th day of March, 2009.

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16 JEFFREY C SULLIVAN
17 United States Attorney

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19 QUINAULT INDIAN NATION

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s/Rebecca S. Cohen
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ORDER

The parties having so stipulated and agreed, it is hereby **SO ORDERED**. The Clerk is directed to send copies of this Order to all counsel of record.

DATED this 23rd day of March, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

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